

REMARKS

The Office Action mailed June 7, 2005, has been carefully reviewed and the foregoing amendments have been made as a consequence thereof.

Claims 1-18 are now pending in this application, of which claims 15-18 are newly added. Claims 1-14 stand rejected.

The objection to Claim 9 as being lacked antecedent basis is respectfully traversed. Specifically, Claim 9 has been amended. Applicant respectfully requests that the objection to Claim 9 be withdrawn.

The rejection of Claims 1, 2, 4, 5, 8, 11, and 13 under 35 U.S.C. § 102(b) as being anticipated by Otto (U.S. Patent No. 4,287,662) is respectfully traversed.

Otto describes a method of assembling a device (11) having a sleeve section (13) integral with a pair of opposite annular slingers (15, 17) in a preselected assembly position onto a rotatable shaft (19) of a prime mover (21) and with respect to an end plate (23) of the prime mover and an opening (25) in the end plate (23) through which the shaft (19) extends so as to preclude contamination of a lubricant in a lubricating system (29) of the prime mover (21) communicated with the opening (25) in the event the prime mover is operated in an environment in which a fluid incompatible with the lubricant may be presented to at least one of the end plate (23) and an exterior end section (33) on the shaft (19) extending beyond the opening (25). The method includes arranging the sleeve section (13) in gripping engagement about the exterior end section of the shaft and moving the device (11) on the exterior section toward the opening in the end plate (23). The method also includes inserting the sleeve section (13) into the opening (25) and locating one of the slingers (15, 17) over the opening (25) and with respect to a raised part of the end plate disposed about the opening, and predetermining the position of the other slinger on the shaft (19) with respect to the opening (25) and the lubrication system (29) so that the other slinger is disposed in lubricant slinging relation with respect to a part of the lubrication system (29) when the one slinger is located with respect to the raised part of the end plate during the inserting and locating step.

Claim 1 recites a method of shielding a condenser fan motor from contaminants, wherein the condenser fan motor including a housing and an output shaft, said method utilizing a dust shield including a shroud, a center opening through the shroud, a hub

extending around a perimeter of the opening, and a hood portion extending from the shroud in a direction generally opposite to the direction the hub extends from the shroud, wherein the method includes the steps of “fitting the opening of the shroud over the output shaft...inserting the output shaft through the opening...engaging the hub to the output shaft...positioning the dust shield adjacent the housing such that the shroud and the hood portion define an enclosure to encompass a part of the housing to prevent contaminants from reaching a portion of the output shaft adjacent the housing.”

Otto does not describe or suggest a method of shielding a condenser fan motor from contaminants as recited in Claim 1. More specifically, Otto does not describe or suggest positioning a shroud adjacent a housing such that the shroud and a hood portion define an enclosure to encompass a part of the housing to prevent contaminants from reaching a portion of an output shaft adjacent the housing. Rather, in contrast to the present invention, Otto describes a device mounted to a shaft to preclude contamination of a lubricant in a lubrication system for the shaft, wherein the device includes a sleeve section extending axially from a flange. Notably, the device does not include a hood portion defining an enclosure. Accordingly, for at least above reasons set forth, Claim 1 is respectfully submitted to be patentable over Otto.

Claims 2-3 depend from Claim 1. When the recitations of Claims 2-3 are considered in combination with the recitations of Claim 1, Applicant respectfully submits that dependent Claims 2-3 likewise are patentable over Otto.

Claim 4 recites a condenser fan motor dust shield for shielding a condenser fan motor from contaminants wherein the condenser fan motor has an output shaft, and the condenser fan motor dust shield includes “a shroud...a central opening through said shroud and configured to receive the output shaft...a hub extending from said shroud and adapted to obstruct at least a portion of said opening, wherein said hub is configured to receive the output shaft...a hood portion extending from said shroud in a direction generally opposite to the direction said hub extends from said shroud, wherein said shroud and said hood portion form an enclosure configured to surround at least a portion of the condenser fan motor.”

Otto does not describe or suggest a condenser fan motor dust shield for shielding a condenser fan motor from contaminants as recited in Claim 4. More specifically, Otto does not describe or suggest a hood portion extending from a shroud in a direction generally

opposite to a direction a hub extends from the shroud, wherein the shroud and the hood portion form an enclosure configured to surround at least a portion of a condenser fan motor. Rather, in contrast to the present invention, Otto describes a device mounted to a shaft to preclude contamination of a lubricant in a lubrication system for the shaft, wherein the device includes a sleeve section extending axially from a flange. Accordingly, for at least above reasons set forth, Claim 4 is respectfully submitted to be patentable over Otto.

Claims 5-10 depend from Claim 4. When the recitations of Claims 5-10 are considered in combination with the recitations of Claim 4, Applicant respectfully submits that dependent Claims 5-10 likewise are patentable over Otto.

Claim 11 recites a shielded condenser fan motor assembly including “a motor comprising a housing and an output shaft...a dust shield attached to said shaft, said dust shield comprising a shroud, a hub extending from said shroud, said hub adapted to flex around said shaft, and a hood portion extending from said shroud in a direction generally opposite to the direction said hub extends from said shroud, wherein said shroud and said hood portion form an enclosure which encloses an area of said housing and said shaft.”

Otto does not describe or suggest a shielded condenser fan motor assembly as recited in Claim 11. More specifically, Otto does not describe or suggest a hood portion extending from a shroud in a direction generally opposite to a direction a hub extends from the shroud, wherein the shroud and the hood portion form an enclosure which encloses an area of said housing and said shaft. Rather, in contrast to the present invention, Otto describes a device mounted to a shaft to preclude contamination of a lubricant in a lubrication system for the shaft, wherein the device includes a sleeve section extending axially from a flange. Accordingly, for at least above reasons set forth, Claim 11 is respectfully submitted to be patentable over Otto.

Claims 12-14 depend from Claim 11. When the recitations of Claims 12-14 are considered in combination with the recitations of Claim 11, Applicant respectfully submits that dependent Claims 12-14 likewise are patentable over Otto.

The rejection of Claims 1, 4, 8, 11, and 14 under 35 U.S.C. § 102(b) as being anticipated by Cunningham (U.S. Patent No. 3,885,176) is respectfully traversed.

Cunningham describes a dynamoelectric machine with improved bearing lubrication system including a shaft (18), a rotor (17) mounted on the shaft (18), a bearing system (19), and a lubrication system for the bearing means including a lubricant reservoir (66) with lubricant retaining material disposed therein. Cunningham also describes a feed wick (42) for transferring lubricant from the lubricant reservoir (66) to the bearing surface and rubbing sealings (61, 62) cooperating with a raised portion of the lubricant reservoir (66) defining end cap (31). The rubbing sealings (61, 62) are arranged to prevent movement of contaminants into the lubrication system. Cunningham does not describe or suggest positioning a shroud adjacent a housing to prevent contaminants from reaching a portion of an output shaft adjacent the housing, wherein a substantially cylindrical extension extends from the shroud along a direction opposite to the direction along which a hub extends to form an enclosure to encompass a part of the housing.

Claim 1 recites a method of shielding a condenser fan motor from contaminants, wherein the condenser fan motor including a housing and an output shaft, said method utilizing a dust shield including a shroud, a center opening through the shroud, a hub extending around a perimeter of the opening, and a hood portion extending from the shroud in a direction generally opposite to the direction the hub extends from the shroud, wherein the method includes the steps of “fitting the opening of the shroud over the output shaft...inserting the output shaft through the opening...engaging the hub to the output shaft...positioning the dust shield adjacent the housing such that the shroud and the hood portion define an enclosure to encompass a part of the housing to prevent contaminants from reaching a portion of the output shaft adjacent the housing.”

However, Cunningham does not describe or suggest a method of shielding a condenser fan motor from contaminants as recited in Claim 1. More specifically, Cunningham does not describe or suggest positioning a shroud adjacent a housing such that the shroud and a hood portion define an enclosure to encompass a part of the housing to prevent contaminants from reaching a portion of an output shaft adjacent the housing. Rather, in contrast to the present invention, Cunningham merely describes a bearing lubrication system for a dynamoelectric machine. Notably, Cunningham does not describe or suggest a hood portion defining an enclosure. Accordingly, for at least above reasons set forth, Claim 1 is respectfully submitted to be patentable over Cunningham.

Claims 2-3 depend from Claim 1. When the recitations of Claims 2-3 are considered in combination with the recitations of Claim 1, Applicant respectfully submits that dependent Claims 2-3 likewise are patentable over Cunningham.

Claim 4 recites a condenser fan motor dust shield for shielding a condenser fan motor from contaminants wherein the condenser fan motor has an output shaft, and the condenser fan motor dust shield includes “a shroud...a central opening through said shroud and configured to receive the output shaft...a hub extending from said shroud and adapted to obstruct at least a portion of said opening, wherein said hub is configured to receive the output shaft...a hood portion extending from said shroud in a direction generally opposite to the direction said hub extends from said shroud, wherein said shroud and said hood portion form an enclosure configured to surround at least a portion of the condenser fan motor.”

Cunningham does not describe or suggest a condenser fan motor dust shield as recited in Claim 4. More specifically, Cunningham does not describe or suggest a hood portion extending from a shroud in a direction generally opposite to a direction a hub extends from the shroud, wherein the shroud and the hood portion form an enclosure configured to surround at least a portion of a condenser fan motor. Rather, in contrast to the present invention, Cunningham merely describes a bearing lubrication system for a dynamoelectric machine. Accordingly, for at least above reasons set forth, Claim 4 is respectfully submitted to be patentable over Cunningham.

Claims 5-10 depend from Claim 4. When the recitations of Claims 5-10 are considered in combination with the recitations of Claim 4, Applicant respectfully submits that dependent Claims 5-10 likewise are patentable over Cunningham.

Claim 11 recites a shielded condenser fan motor assembly including “a motor comprising a housing and an output shaft...a dust shield attached to said shaft, said dust shield comprising a shroud, a hub extending from said shroud, said hub adapted to flex around said shaft, and a hood portion extending from said shroud in a direction generally opposite to the direction said hub extends from said shroud, wherein said shroud and said hood portion form an enclosure which encloses an area of said housing and said shaft.”

Cunningham does not describe or suggest a shielded condenser fan motor assembly as recited in Claim 11. More specifically, Cunningham does not describe or suggest a hood portion extending from a shroud in a direction generally opposite to a direction a hub extends

from the shroud, wherein the shroud and the hood portion form an enclosure configured to surround at least a portion of a condenser fan motor. Rather, in contrast to the present invention, Cunningham merely describes a bearing lubrication system for a dynamoelectric machine. Accordingly, for at least above reasons set forth, Claim 11 is respectfully submitted to be patentable over Cunningham.

Claims 12-14 depend from Claim 11. When the recitations of Claims 12-14 are considered in combination with the recitations of Claim 11, Applicant respectfully submits that dependent Claims 12-14 likewise are patentable over Cunningham.

The rejection of Claims 1, 4, 5, and 8-10 under 35 U.S.C. § 102(b) as being anticipated by Else (U.S. Patent No. 1,992,818) is respectfully traversed.

Else describes a high-speed bearing structure provided with a housing (1) constituting a main oil reservoir chamber (34) and with an auxiliary chamber (43) adjacent to a shaft, an inverted cup member (29) adapted to be threaded on the same threads of the shaft (6) which are utilized in connection with a nut (27), and a down-turned flange (32) of the cup member (29) constitutes, with an upturned flange (33) of a resilient cap (4), a baffle which prevents excess oil from passing out of the motor and also prevents dust and dirt from getting into it.

Claim 1 recites a method of shielding a condenser fan motor from contaminants, wherein the condenser fan motor including a housing and an output shaft, said method utilizing a dust shield including a shroud, a center opening through the shroud, a hub extending around a perimeter of the opening, and a hood portion extending from the shroud in a direction generally opposite to the direction the hub extends from the shroud, wherein the method includes the steps of “fitting the opening of the shroud over the output shaft...inserting the output shaft through the opening...engaging the hub to the output shaft...positioning the dust shield adjacent the housing such that the shroud and the hood portion define an enclosure to encompass a part of the housing to prevent contaminants from reaching a portion of the output shaft adjacent the housing.”

Else does not describe or suggest a method of shielding a condenser fan motor from contaminants as recited in Claim 1. More specifically, Else does not describe or suggest positioning a shroud adjacent a housing such that the shroud and a hood portion define an enclosure to encompass a part of the housing to prevent contaminants from reaching a portion of an output shaft adjacent the housing. Rather, in contrast to the present invention, Else

describes an inverted cup member threaded onto a shaft, wherein the cup member includes a down turned flange which creates a baffle. Accordingly, for at least above reasons set forth, Claim 1 is respectfully submitted to be patentable over Else.

Claim 4 recites a condenser fan motor dust shield for shielding a condenser fan motor from contaminants wherein the condenser fan motor has an output shaft, and the condenser fan motor dust shield includes “a shroud...a central opening through said shroud and configured to receive the output shaft...a hub extending from said shroud and adapted to obstruct at least a portion of said opening, wherein said hub is configured to receive the output shaft...a hood portion extending from said shroud in a direction generally opposite to the direction said hub extends from said shroud, wherein said shroud and said hood portion form an enclosure configured to surround at least a portion of the condenser fan motor.”

Else does not describe or suggest a condenser fan motor dust shield as recited in Claim 4. More specifically, Else does not describe or suggest a hood portion extending from a shroud in a direction generally opposite to a direction a hub extends from the shroud, wherein the shroud and the hood portion form an enclosure configured to surround at least a portion of a condenser fan motor. Rather, in contrast to the present invention, Else describes an inverted cup member threaded onto a shaft, wherein the cup member includes a down turned flange which creates a baffle. Accordingly, for at least above reasons set forth, Claim 4 is respectfully submitted to be patentable over Else.

Claims 5-10 depend from Claim 4. When the recitations of Claims 5-10 are considered in combination with the recitations of Claim 4, Applicant respectfully submits that dependent Claims 5-10 likewise are patentable over Else.

The rejection of Claims 3, 6, 7, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Cunningham or Otto, in further view of Braun (U.S. Patent No. 6,384,501) is respectfully traversed.

Cunningham and Otto are described above. Braun describes a self-centering timing disk hub with a timing disk support surface (1a) and a tubular hub sleeve (1b), wherein the end of the hub sleeve (1b) can be pushed onto a motor shaft (1d) so as to provide in the hub sleeve (1b) a contact surface between the inner wall surface of the hub sleeve (1b) and the motor shaft (1d). The hub sleeve (1b) is slotted at least in the region of the motor shaft (1d) and a clamping element (2) is movably arranged on the an outer wall surface at the sleeve end.

Claim 1 recites a method of shielding a condenser fan motor from contaminants, wherein the condenser fan motor including a housing and an output shaft, said method utilizing a dust shield including a shroud, a center opening through the shroud, a hub extending around a perimeter of the opening, and a hood portion extending from the shroud in a direction generally opposite to the direction the hub extends from the shroud, wherein the method includes the steps of “fitting the opening of the shroud over the output shaft...inserting the output shaft through the opening...engaging the hub to the output shaft...positioning the dust shield adjacent the housing such that the shroud and the hood portion define an enclosure to encompass a part of the housing to prevent contaminants from reaching a portion of the output shaft adjacent the housing.”

None of Otto, Cunningham, and Braun describes or suggests a method of shielding a condenser fan motor from contaminants as recited in Claim 1. More specifically, none of Otto, Cunningham, and Braun describes or suggests positioning a shroud adjacent a housing such that the shroud and a hood portion define an enclosure to encompass a part of the housing to prevent contaminants from reaching a portion of an output shaft adjacent the housing. Rather, in contrast to Claim 1, Otto describes a device mounted to a shaft to preclude contamination of a lubricant in a lubrication system for the shaft, wherein the device includes a sleeve section extending axially from a flange, Cunningham merely describes a bearing lubrication system for a dynamoelectric machine, and Braun describes a self-centering timing disk hub with a timing disk support surface and a tubular hub sleeve, wherein the end of the hub sleeve can be pushed onto a motor shaft with a clamping element.

For at least reasons set forth above, Claim 1 is respectfully submitted to be patentable over Cunningham or Otto, in view of Braun.

Claims 2-3 depend from Claim 1. When the recitations of Claims 2-3 are considered in combination with the recitations of Claim 1, Applicant respectfully submits that dependent Claims 2-3 likewise are patentable over Cunningham or Otto, in view of Braun.

Claim 4 recites a condenser fan motor dust shield for shielding a condenser fan motor from contaminants wherein the condenser fan motor has an output shaft, and the condenser fan motor dust shield includes “a shroud...a central opening through said shroud and configured to receive the output shaft...a hub extending from said shroud and adapted to obstruct at least a portion of said opening, wherein said hub is configured to receive the

output shaft...a hood portion extending from said shroud in a direction generally opposite to the direction said hub extends from said shroud, wherein said shroud and said hood portion form an enclosure configured to surround at least a portion of the condenser fan motor.”

None of Otto, Cunningham, and Braun describes or suggests a condenser fan motor dust shield as recited in Claim 4. More specifically, none of Otto, Cunningham, and Braun describes or suggests a hood portion extending from a shroud in a direction generally opposite to a direction a hub extends from the shroud, wherein the shroud and the hood portion form an enclosure configured to surround at least a portion of a condenser fan motor.

Rather, in contrast to Claim 4, Otto describes a device mounted to a shaft to preclude contamination of a lubricant in a lubrication system for the shaft, wherein the device includes a sleeve section extending axially from a flange, Cunningham merely describes a bearing lubrication system for a dynamoelectric machine, and Braun describes a self-centering timing disk hub with a timing disk support surface and a tubular hub sleeve, wherein the end of the hub sleeve can be pushed onto a motor shaft with a clamping element. For at least reasons set forth above, Claim 4 is respectfully submitted to be patentable over Cunningham or Otto, in view of Braun.

Claims 5-10 depend from Claim 1. When the recitations of Claims 5-10 are considered in combination with the recitations of Claim 1, Applicant respectfully submits that dependent Claims 5-10 likewise are patentable over Cunningham or Otto, in view of Braun.

Claim 11 recites a shielded condenser fan motor assembly including “a motor comprising a housing and an output shaft...a dust shield attached to said shaft, said dust shield comprising a shroud, a hub extending from said shroud, said hub adapted to flex around said shaft, and a hood portion extending from said shroud in a direction generally opposite to the direction said hub extends from said shroud, wherein said shroud and said hood portion form an enclosure which encloses an area of said housing and said shaft.”

None of Otto, Cunningham, and Braun describes or suggests a condenser fan motor dust shield as recited in Claim 11. More specifically, None of Otto, Cunningham, and Braun describes or suggests a hood portion extending from a shroud in a direction generally opposite to a direction a hub extends from the shroud, wherein the shroud and the hood portion form an enclosure configured to surround at least a portion of a condenser fan motor.

Rather, in contrast to Claim 11, Otto describes a device mounted to a shaft to preclude contamination of a lubricant in a lubrication system for the shaft, wherein the device includes a sleeve section extending axially from a flange, Cunningham merely describes a bearing lubrication system for a dynamoelectric machine, and Braun describes a self-centering timing disk hub with a timing disk support surface and a tubular hub sleeve, wherein the end of the hub sleeve can be pushed onto a motor shaft with a clamping element. For at least reasons set forth above, Claim 11 is respectfully submitted to be patentable over Cunningham or Otto, in view of Braun.

Claims 12-14 depend from Claim 11. When the recitations of Claims 12-14 are considered in combination with the recitations of Claim 11, Applicant respectfully submits that dependent Claims 12-14 likewise are patentable over Cunningham or Otto, in view of Braun.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by suggesting that it would have been obvious to one of ordinary skill in the art to modify Cunningham or Otto according to the teachings of Braun. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Rather, the present Section 103 rejection appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Cunningham is cited for teaching a feed wick for transferring lubricant from a lubricant reservoir to a bearing surface and rubbing sealings cooperating with a raised portion of the lubricant reservoir defining an end cap, Otto is cited for teaching a method of assembling a device having a sleeve section integral with a pair of opposite annular slingers in a preselected assembly position onto a rotatable shaft of a prime mover, and Braun teaches a self-centering timing disk hub with a timing disk support surface and a tubular hub sleeve, wherein the end of the hub sleeve can be pushed onto a motor shaft with a clamping element.

Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of

course, such a combination is impermissible, and for this reason alone, Applicant respectfully requests that the Section 103 rejection be withdrawn.

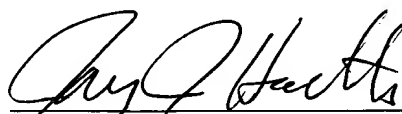
As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levensgood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. *In re Vaeck*, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 3, 6, 7, and 12 be withdrawn.

Newly added Claims 15-18 depend from Independent Claim 11. For at least the reasons set forth above, Claim 11 is submitted to be patentable over the cited art. When the recitations of Claims 15-18 are considered in combination with the recitations of Claim 11, Applicant respectfully submits that dependent Claims 15-18 likewise are patentable over the cited art.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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